

## (September 9, 2008) Lipinski Calls for Every Community to be Heard on Rail Transactions

### Gives Statement on CN-EJ&E Acquisition at House Transportation Committee

[Washington, DC] Congressman Dan Lipinski (D-IL) today made the following statement at a House Transportation and Infrastructure Committee hearing regarding a bill relating to the Canadian National (CN) Rail purchase of the Elgin, Joliet, and Eastern (EJ&E) Railway. In his statement, Lipinski urged the Surface Transportation Board (STB) to take a more balanced approach in reviewing the proposed acquisition by considering the benefits that will occur in over 60 Chicagoland communities, including many in the Third District, as a result of the transaction. Representative Lipinski is Chicagoland's only member on the powerful House Transportation and Infrastructure Committee which has oversight of the STB.

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"I grew up less than the length of a football field away from railroad tracks. I now live in a village of less than 13,000 that is bisected by a railroad line that carries 160 to 170 trains per day and cuts off my side of town from the fire station. I know all too well the safety issues and inconveniences caused by trains - blocked crossings, train whistles, and pollution, especially from idling trains that sit and wait for 12, sometimes 24 hours behind some of my constituents' houses waiting to get into the rail yard.

"Chicago is the rail hub of North America, but also a major rail chokepoint. That is why I was happy to get \$100 million in SAFETEA-LU to begin Phase 1 of the public-private partnership called CREATE to ease congestion on the rails and on the roads in Chicagoland. So when CN announced plans to acquire the EJ&E rail line, I immediately wanted to know two things; first, the regional impact on safety and on affected communities, and second, the economic harm and benefits to the region due to the effect on the congested rail lines.

"While I commend the STB for holding a series of public meetings in Chicagoland, I do want to express my strong concern that the attention and focus has been on the communities along the EJ&E while communities in Chicago and the inner suburbs, such as those in my district, have largely been left on the sidelines.

"An analysis by two faculty members at The University of Chicago's Harris School of Public Policy Studies points out some interesting facts. Professor Berry and Professor Bueno de Mesquita note in their analysis that the majority of the

public meetings have largely been held in the communities along the EJ&E.

"There were 7 scoping meetings. 6 were in the suburbs.

"Only one was held in Chicago.

"There were 22 outreach meetings for minorities.

"Only one was held in Chicago.

"And there are 8 public hearings to comment on the Draft EIS.

"And guess what?

"Only one was held in Chicago.

"Archer Heights, Bridgeport, Beverly, Mt. Greenwood, Garfield Ridge, Clearing, Chicago Ridge, LaGrange Park, North Riverside, Riverside, Berwyn, Summit, and Oak Lawn.

"These are some of the communities just in my congressional district that will see fewer trains as a result of this transaction. Across Chicagoland there are over 60 densely populated communities that will see fewer trains. This means fewer idling trains, fewer blocked crossing, and fewer train whistles in the middle of the night.

"I believe that all voices should be heard. How can we fully review the costs without fully reviewing the benefits? That is what has been happening.

"To better understand why, I sat down to review Section 11324 of Title 49 which governs rail acquisitions. Section 11324 says "the STB shall hold a public hearing" for railroad transactions. Section 11324 also speaks to the issue of "public interest," but it's unclear how that is defined. It does not speak to the issue of community concerns and impact and it does not specifically direct that all voices be heard. In the case of the CN-EJ&E, it strikes me that many voices were not heard.

"I was not here at the time of the Staggers Act of 1980 or the ICC Termination Act of 1995, but I, for one, do not believe that Congress intended that only some voices be heard.

"That's why I believe we need to clarify the current statute to ensure all voices are heard. We need to ensure that future transactions are reviewed in a manner that is comprehensive, regional, and balanced. We need to ensure that the costs and benefits are fully considered. We need to ensure that communities like those in my district do not get left on the sidelines in the future.

"I applaud Chairman Oberstar for his leadership on this issue and for introducing H.R. 6707, the Taking Responsible Action for Community Safety Act. I believe clarification is needed, I believe community concerns need to be fully considered, and I believe this bill moves us in that direction. I look forward to working with the Chairman on this important bill."